



# **THE ATTORNEY GENERAL OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

July 15, 1958

Colonel Homer Garrison, Jr.  
Director

Opinion No. WW 476

Texas Department of Public Safety Re:  
5805 N. Lamar Blvd.  
Austin, Texas

Jurisdiction of Railroad Commission and Department of Public Safety over Motor Carrier and Motor Bus Operations Between Contiguous Incorporated Cities.

Dear Colonel Garrison:

Your request for a clarification of Attorney General's Opinion No. WW-328, which related to the Railroad Commission's jurisdiction over motor carrier and motor bus operations over the Dallas-Fort Worth Turnpike, and in which you request our opinion on the following questions:

1. Is Art. 1690b, Vernon's Penal Code, violated by an uncertificated carrier hauling for hire who traverses a highway between incorporated cities or towns when the operation remains totally within corporate limits so that at no time is the vehicle upon a highway in an unincorporated area?
2. Is your answer to No. 1 above the same for the Dallas-Fort Worth Turnpike as it is for other highways of Texas?

has been received.

In Opinion WW-328, we distinguished between motor carrier operations and motor bus operations, and we held that any motor carrier transporting property for hire over the highways of this State between or through two or more incorporated cities was subject to regulation.

While Opinion No. WW-328 was in answer to questions concerning operations over the Fort Worth-Dallas Turnpike, the conclusions of law set forth in such Opinion would

be applicable to other highways in the State of Texas, and we are of the opinion that there is nothing in the Motor Carrier Act, Article 911b, Revised Civil Statutes of Texas, as amended, which gives effect to the doctrine of contiguous municipalities so as to exempt from regulation a carrier operating over the highways from one city to another, even though such carrier at no time operates over a highway outside of the incorporated limits of incorporated cities and towns.

All inter-city motor carrier operations over the public highways of this State are subject to regulation by the Railroad Commission of Texas.

SUMMARY

1. Article 1690b, Vernon's Penal Code, is violated by an uncertificated carrier hauling for hire who traverses a highway between incorporated cities or towns, even though the operation remains totally within corporate limits, so that at no time is the vehicle upon a highway in an unincorporated area.
2. Our answer to No.1 above is the same for the Dallas-Fort Worth Turnpike as it is for other highways in Texas.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By:

J. W. WHEELER  
Assistant Attorney General

Morgan Nesbitt  
MORGAN NESBITT  
Assistant Attorney General

Colonel Homer Garrison, Jr., page 3 (WW-476)

APPROVED:

OPINION COMMITTEE:

Geo. P. Blackburn, Chairman

Ralph Rash

Riley Eugene Fletcher

W.O. Schulz II

REVIEWED FOR THE ATTORNEY GENERAL  
BY:

W.V. Ceppert